

California Regional Water Quality Control Board
Santa Ana Region

Update To The
NOVEMBER 21, 2003

AGENDA

Please note the following changes to the Agenda:

Item No.:

- 9 **Waste Discharge Requirements, Bruce Hohn/AVMGH II Limited Partnership, Temescal Creek Remediation Project/Inert Waste Disposal, Corona, Riverside County** — This item has been postponed.
- 11 **Report of Hearing Panel to Full Board, Kaiser Resources** — The Panel Hearing in this matter was postponed; therefore, this item has been removed from the agenda.
- 12 **Public Workshop, Basin Plan Amendment, Related to Nitrogen and Total Dissolved Solids Management in the Santa Ana Region** — Documentation for this item may be viewed on our website.
- 13 **Administrative Civil Liability Complaint, Pyro Spectaculars, Inc., San Bernardino County** — The hearing on the ACL Complaint has been removed from the agenda
- 14 **Mandatory Penalties Complaint, USA Gasoline Corporation, San Bernardino County** — This item has been postponed.
- 15 **Mandatory Penalties Complaint, Ross Pallets, Inc., Orange County** — Discharger has waived the right to a hearing.
- 16 **Mandatory Penalties Complaint, Pilkington Aerospace, Inc., Orange County** — Discharger has waived the right to a hearing.
- 17 **Administrative Civil Liability Complaint, Consolidated Container Co., Orange County** — Discharger has waived the right to a hearing.

California Regional Water Quality Control Board
Santa Ana Region

November 21, 2003

ITEM: 9

SUBJECT: Order No. R8-2003-0103, Waste Discharge Requirements, Bruce A. Hohn/AVMGH II Limited Partnership, 1601 Sherborn Street, Corona, Riverside County

DISCUSSION:

Bruce A. Hohn (discharger) operated an inert landfill under the business name Corona Truck Salvage (CTS) located at 1601 Sherborn Street in Corona. AVMGH II Limited Partnership (formerly Hohn Family Trust) owns a number of parcels of land including the CTS Facility. The inert landfill operations were conducted under a conditional waiver per Section 13269 of the California Water Code. Temescal Creek flows through the site and there is an unnamed lake located within the site.

Inspections conducted by Board staff from April 10, 2002 through April 26, 2002, indicated that the operations at the site were in violation of its waiver conditions, the California Water Code and the Clean Water Act. The discharger, in violation of the waiver conditions, deposited wastes in unauthorized locations, accepted non-inert wastes for disposal at the site, discharged wastes into the waters of the United States, including the lake and Temescal Creek, and conducted fill operations within the waters of the United States. The discharger also accepted wet concrete waste from Associated Ready Mix and allowed it to be deposited into Temescal Creek.

On May 3, 2002, the Executive Officer terminated the coverage under the conditional waiver for the inert landfill. Subsequently, consultants for the discharger and Associated Ready Mix (hereinafter collectively referred to as responsible parties) prepared site assessment reports, remedial action plans and mitigation plans to remediate the illegal filling that occurred within Temescal Creek. Board Staff and representatives for the Army Corps of Engineers (ACE) and the Department of Fish and Game (DFG) have been working with the responsible parties to remediate the site in an economically feasible manner. The assessment reports indicate that most of the wastes currently in the Creek are inert wastes. The responsible parties are proposing to remove the wastes from the Creek and to relocate it within the site. The proposed Waste Discharge Requirements (WDRs) are being developed to facilitate the removal of wastes from the Creek and the disposal of these wastes on specifically designated areas within the site. The project will mitigate approximately 12 acres of Temescal Creek channel.

The Order is necessary to ensure that only the fill material currently in Temescal Creek, and the new proposed channel that will be created through the remediation, is disposed

of at the site, no other off-site materials are accepted for disposal at the site, and the material disposed off at the site is properly monitored.

The proposed WDR includes discharge limitations on metals and petroleum contaminated soils, and prohibits the discharge of hazardous wastes/materials and toxic substances at the site. Only inert wastes removed from Temescal Creek and other illegal disposal areas within the site are allowed to be disposed off at the designated relocation area. The Order also contains requirements for drainage and erosion controls. Board staff believes that these requirements are protective of water quality.

RECOMMENDATION:

Adopt Order No. R8-2003-0103 as presented.

Comments were solicited from the following persons/agencies:

State Water Resources Control Board, Office of the Chief Counsel – Jorge Leon
State Water Resources Control Board, Division of Water Quality – Jim Maughan
State Department of Water Resources – Glendale
California Department of Fish and Game – Robin Maloney-Rames
Riverside County Flood Control and Water Conservation District – Coen Cowenberg
US Army Corps of Engineers – Dan Swenson
Riverside County District Attorney's Office – Paul Dickerson
Associated Ready Mix – Jim R. Williams
Krieger & Stewart – David F. Scriven
Psomas – Bill Whittenberg
Procopio, Cory, Hargreaves & Savitch LLP - John J. Lorman
City of Corona – Ati Eskandari
Dudeck & Associates – Nicole Peacock
Lemineux & O'Neill – Jeffrey L. Marcus
Riverside County LEA

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION**

ORDER NO. R8-2003-00103

**WASTE DISCHARGE REQUIREMENTS
FOR
BRUCE A. HOHN AND AVMGH II LIMITED PARTNERSHIP
CORONA TRUCK SALVAGE
INERT LANDFILL
RIVERSIDE COUNTY**

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), finds that:

1. Bruce A. Hohn (hereinafter discharger) operated an inert landfill under the business name Corona Truck Salvage (CTS), located at 1601 Sherborn Street in Corona. AVMGH II Limited Partnership (formerly known as Hohn Family Trust) owns a number of parcels of land (approximately 96 acres, hereinafter the site), including the CTS Facility, located at 1601 Sherborn Street (formerly known as 17850 Cajalco Road) in Corona, Riverside County. The inert landfill operations were conducted under a conditional waiver per Section 13269 of the California Water Code. Temescal Creek flows through the site and there is an unnamed lake located within the site.
2. Inspections conducted by Board staff from April 10, 2002 through April 26, 2002, indicated that the operations at the site were in violation of its waiver conditions, the California Water Code and the Clean Water Act. The discharger, in violation of the waiver conditions, deposited wastes in unauthorized locations, accepted non-inert wastes for disposal at the site, discharged wastes into the waters of the United States, including the lake and Temescal Creek, and conducted fill operations within the waters of the United States. The discharger also accepted wet concrete waste from Associated Ready Mix and allowed it to be deposited into Temescal Creek.
3. On May 3, 2002, the Executive Officer issued a letter to the discharger under Section 13267 of the California Water Code. The letter terminated coverage under the conditional waiver, required the submittal of a Report of Waste Discharge under Section 13260 of the Water Code and required submittal of other information under Section 13267 of the Water Code.
4. Subsequently, consultants for the discharger and Associated Ready Mix (hereinafter collectively referred to as responsible parties) prepared site assessment reports, remedial action plans and mitigation plans to remediate the illegal filling that occurred within Temescal Creek. Board Staff and representatives for the Army Corps of Engineers (ACE) and the Department of Fish and Game (DFG) have been working with the responsible parties to remediate the site in an economically feasible manner. The assessment reports indicate that most of the wastes currently in the Creek are inert wastes. The responsible parties are proposing to remove the wastes from the Creek and to relocate it within the site. The remediation will entail removal of the concrete from the Creek, widening the Creek to specified width, and re-establishing

vegetation. These Waste Discharge Requirements (WDRs) are being developed to facilitate the removal of wastes from the Creek and the disposal of these wastes on specifically designated areas within the site. The project involves the removal of approximately 264,000 cubic yards of material from the remediation areas. The project will mitigate approximately 12 acres of Temescal Creek channel.

5. This Order is necessary to ensure that only the fill material currently in Temescal Creek, and the new proposed channel that will be created through the remediation, is disposed of at the site, no other off-site materials are accepted for disposal at the site, and the material disposed of at the site is properly monitored. Some of the concrete removed from the Creek and the proposed new channel area may be recycled. The responsible parties will log and monitor the removal of the fill and analyze any suspicious material. Any material that is not inert or is hazardous or toxic will be removed and disposed of at an approved disposal facility.
6. The project site is located on the U.S. Geological Survey 7.5 minute Corona South quadrangle, SE $\frac{1}{4}$ of Section 32, SW $\frac{1}{4}$ of Section 33, Township 3 South, Range 6 West, San Bernardino Base and Meridian. The project site is bounded to the east and southeast by an aggregate mining operation, a previously closed landfill to the west, undeveloped land to the northwest and southwest, and an unnamed lake at the north. A map of the project site is included in Attachment 1 and is hereby made a part of this Order.
7. The project site, including the remediation area, is within the Upper Temescal I Groundwater Sub-basin and Temescal Creek (Reaches 1B and 2) traverses the project site and flows through the lake within the property. The lake was created by gravel mining operations adjacent to the creekbed. In 1979, the banks of Temescal Creek eroded and flooded the gravel pit, and it has remained a lake since then. The site is located approximately 3 miles from the confluence of Temescal Creek and the Santa Ana River (Prado Flood Control Basin). Temescal Creek serves as a potential habitat for the California gnatcatcher, least Bell's vireo, Stephens' kangaroo rat, Quino checkerspot, arroyo toad, California red-legged frog, American peregrine falcon, California black rail, western-billed cuckoo, southwestern willow flycatcher, and bank swallow.
8. The Basin Plan includes the following beneficial uses for Reaches 1B and 2 of Temescal Creek (for Reach 2, the beneficial uses are listed as intermittent): (1) agricultural supply (Reach 2); (2) industrial supply (Reach 2); (3) groundwater recharge (Reach 2); (4) water contact recreation (Reaches 1B and 2); (5) non-contact water recreation (Reaches 1B and 2); (6) warm freshwater habitat (Reach 2); (7) limited warm freshwater habitat (Reach 1B); and (8) wildlife habitat (Reaches 1b and 2).
9. Section 20230(c) of the CCR, Title 27, provides that the Board can prescribe individual or general WDRs for discharges of inert wastes.

10. Until May 2002, the site operated as an inert waste disposal facility under a conditional waiver issued by the Board. This project involves the continued operation of an existing facility and as such, is exempt from those provisions of the California Environmental Quality Act (Public Resources Code, § 2100 et seq.) in accordance with §15301, Chapter 3, Title 14 of the California Code of Regulations.
11. The Board has considered antidegradation pursuant to State Board Resolution No. 68-16 and finds that the discharge is consistent with those provisions.
12. The Board has notified the discharger and other interested parties of its intent to prescribe waste discharge requirements for the discharge, and has provided them with an opportunity to submit their written views and recommendations and to participate in the public hearing process.
13. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that the Discharger, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following directives:

A. DISCHARGE SPECIFICATIONS:

1. Wastes shall only be removed from the remediation area defined as being within the specified GPS coordinates shown on Attachment 2, which is hereby made a part of this order. Wastes shall only be deposited in the relocation area as shown on Attachment 3, which is hereby made a part of this order. This disposal requirement does not apply to any removed materials that are recycled or hauled offsite.
2. No activities associated with the project (removal of waste, grading of the site, recycling of wastes and relocation of wastes) shall cause or threaten to cause a nuisance or pollution as defined in Section 13050 of the California Water Code.
3. Only inert materials shall be placed within the relocation area. Section 20230(a) of the California Code of Regulations (CCR), Title 27, provides that "*Inert waste is that subset of solid waste that does not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives, and does not contain significant quantities of decomposable waste.*"
4. The materials deposited at the relocation area shall not contain constituent concentrations in excess of the following limits:
 - a. Total Petroleum Hydrocarbons (TPH) in the soil shall not exceed the following:
 - (1) TPH (Gasoline) – 50 mg/kg if uncovered (see (3), below);

- (2) TPH (Diesel)- 100 mg/kg if uncovered (see (3), below); and
 - (3) Soil with TPH (gasoline) concentrations between 50 and 100 mg/kg and TPH (diesel) concentrations between 100 and 1,000 mg/kg may be disposed of on site if it is covered with at least two feet of clean fill.
- b. Total threshold limit concentrations (TTLC) of priority metals shall not exceed the concentrations (in mg/kg) specified in Title 22, California Code of Regulations Section 66261.24.
5. No hazardous wastes, hazardous materials, designated wastes, green wastes or liquid wastes shall be deposited at the relocation area.
6. Only material from the Temescal Creek remediation project shall be deposited in the relocation area; no off-site materials shall be discharged at the site.
7. The discharge of any substances in concentrations toxic to animal or plant life is prohibited.
8. The groundwater or surface water in the vicinity of the project shall not be degraded as a result of the project activities or placement of material at the site.
9. At no time shall any waste be discharged into standing or flowing water, nor shall it be placed below the highest anticipated groundwater elevation at the site.

B. DRAINAGE AND EROSION CONTROL

1. Adequate facilities shall be provided to divert storm water away from the relocation area and from areas where any potential pollutants or contaminated materials are stored.
2. The relocation area shall be designed, constructed, and maintained to prevent, to the greatest extent possible, ponding, inundation, erosion and washout that could occur as a result of precipitation from a 25-year, 24-hour frequency storm. At project completion, the finished slope of the relocation area top deck shall be at one percent grade. The waste relocation area shall be constructed to prevent sediment runoff from the area.
3. There shall be no discharge of sediment, or any other material removed during the remediation, into the Creek or lake from the relocation area.
4. The discharger shall design, construct, and maintain:
 - a. A run-on drainage control system to prevent flow from off-site sources onto the working areas and that will collect and divert both the calculated volume of precipitation and the peak flow from off-site sources that result from a 25-year, 24-hour storm; and

- b. A runoff drainage control system to prevent sheet flow from the working areas into surface waters, and to collect and divert both the calculated volume of precipitation and the peak flow from on-site surface runoff that results from a 25-year, 24-hour storm.
5. All drainage control structures shall be protected and maintained continuously to ensure their effectiveness.
6. By December 30, 2003 the discharger shall submit a drainage control system construction and maintenance plan to the Executive Officer of the Board. The drainage control system maintenance plan shall include, but is not limited to, the following information:
 - a. A description of the drainage control system including calculations that demonstrate the adequacy and effectiveness of the drainage control system to collect and divert the calculated volume of precipitation and peak flows resulting from a 25-year, 24-hour storm;
 - b. A maintenance plan to assure that the drainage control structures will continue to operate as designed; and
 - c. One or more 11"x17" or larger site topographic maps indicating the locations of the elements described in Item a., above, and the flow direction of all site drainage.
7. Prior to the construction of any new elements of the drainage control system, the discharger shall assure that the new systems meet the requirements listed in Item 2, above.
8. All design plans, construction plans, grading plans and operation and maintenance plans shall be prepared by, or prepared under the direct supervision of, a registered civil engineer or a registered geologist and shall be reviewed and approved by Board staff.
9. Weekly inspections of the waste removal and relocation areas, the drainage control systems, and all containment structures shall be performed to assess the conditions of these facilities and to initiate corrective actions necessary to maintain compliance with this Order.
10. When relocation is completed, the facility shall be surveyed either by aerial surveillance or a licensed surveyor to assure compliance with the one percent slope requirements for the top deck. Within 3 months of completing all remedial activities, a map compiled from the survey data shall be submitted to the Board, showing site elevations, the flow direction of all site drainage, and the permanent drainage control system and containment structures.

11. Within 8 weeks after completion of construction of any new elements of the drainage control system at the site, the discharger shall submit as-built drawings.
12. The discharger shall notify the Executive Officer of the Board by telephone (909-782-4130) within 24 hours of any failure of facilities necessary to maintain compliance with the requirements in this Order. Within five days, the notification shall be submitted in writing to the Executive Officer.

C. PROVISIONS:

1. The discharger shall submit a time schedule within 2 weeks of the adoption of this Order that details the time required to remove and to relocate the wastes.
2. The removal, relocation, and recycling of wastes and the mitigation projects shall be conducted in accordance with the Dudeck Hohn Site Assessment Plan and Psomas Temescal Creek Grading Plan (now the combined plan is referred to as the Mitigation and Monitoring Plan for AVMGH II LLC Property) when it is approved by ACE, DFG and Board staff. The discharger shall revise any workplans, reports, specifications, sampling, or schedules in accordance with ACE, DFG and Board staff's written comments. The discharger shall submit to ACE, DFG and Board staff any documents requested by the due date specified by these regulatory agencies. All revised plans shall be implemented upon approval of the regulatory agencies.
3. All site activities at the site shall be conducted in accordance with the federal, state and local requirements, including grading of the site and compaction of materials in the relocation area. Discharger shall obtain or cause its representatives to obtain all permits and approvals necessary under such laws and regulations.
4. The discharger shall comply with Monitoring and Reporting Program No. R8-2003-0103.
5. Decomposable organic refuse such as, but not limited to, ordinary household and commercial refuse, wood and wood products, lawn clippings, sod, shrubbery, hide, bones, dead animals, roofing paper, tar paper, unquenched ashes mixed with refuse, market refuse, garbage, etc. shall not be deposited in the waste relocation area nor anywhere else at the site.
6. No materials of a toxic nature, such as insecticides, poisonous substances, or radioactive materials, shall be deposited in the waste relocation area.
7. No asbestos or asbestos products shall be deposited in the waste relocation area.
8. Wastes deposited in the waste relocation area shall be confined thereto, and shall not be permitted to enter drainage ditches or watercourses. The discharger shall maintain a minimum of fifty foot buffer zone between the high water mark of

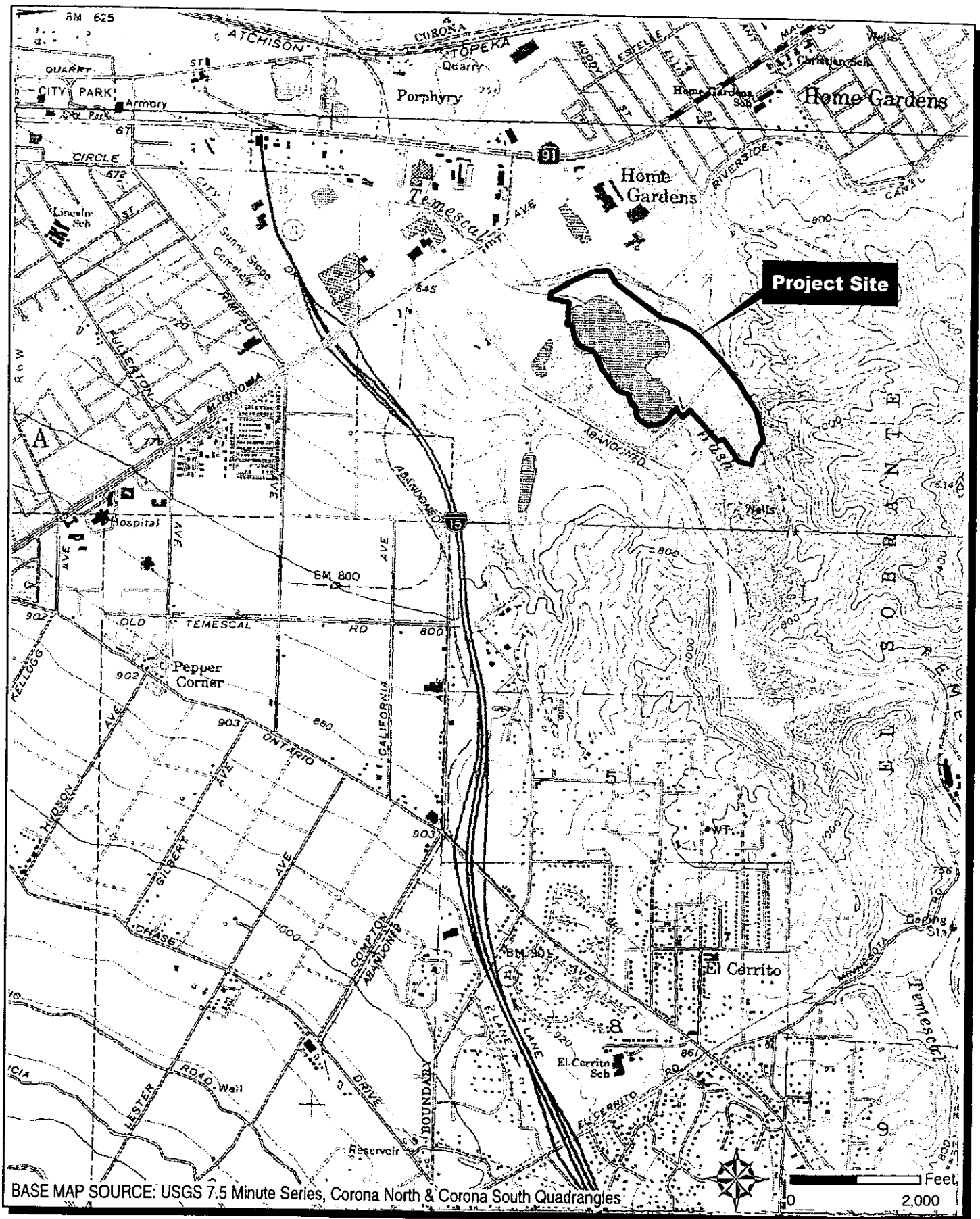
the lake or Creek channel and the relocated material.

9. The discharger shall maintain a copy of this order at the site so as to be available at all times to personnel operating the site.
10. Within thirty (30) days of any change in the name of the operator or in control or ownership of land or waste disposal facilities owned or controlled by the discharger, the discharger shall:
 - a. Notify this Board in writing of such a change; and
 - b. Notify the succeeding owner or operator by letter, a copy of which shall be filed with this Board, of the existence of this Order.
11. Thirty (30) days prior to cessation of waste relocation operations at the site, the discharger shall submit a technical report to the Board describing the methods and controls to be used to assure protection of the quality of surface and ground waters during final operations and any proposed subsequent use of the land. The report should also summarize the removal, relocation and remediation process that occurred within the site. The report shall be prepared under the direct supervision of a California registered geologist or engineer, or a California-certified engineering geologist.
12. These requirements do not exempt the discharger from compliance with any other laws, regulations, or ordinances that may be applicable.
13. This Order shall not be construed as a covenant not to sue, release, waiver, or limitation on any powers, authorities, rights, or remedies, civil or criminal, that the Board or parties may have under any laws, regulations or common law.
14. The discharger shall allow Board staff, ACE, DFG access to the site at any time during normal business hours to inspect, photograph, collect samples, and/or to conduct other regulatory activities.
15. This Order is valid only for the activities associated with the remediation of Temescal Creek within the Hohn property. Upon completion of the waste relocation operation, the discharger shall immediately notify the Board. This Order expires upon completion of the remedial activities associated with the remediation project.
16. The discharger shall comply with all conditions of this Order and noncompliance with this Order constitutes a violation of the California Water Code and is grounds for:
 - a. Enforcement action; or
 - b. Termination, revocation and re-issuance, or modification of this Order; or

- c. Denial of a ROWD in application for new or revised WDRs; or
 - d. Any combination of a, b, or c, above.
17. The California Water Code provides that any person who intentionally or negligently violates any WDRs issued, reissued, or amended by the Board is subject to administrative civil liability of up to \$1,000 per day of violation. The Superior Court may impose civil liability of up to \$10,000 per day of violation or, if a cleanup and abatement order has been issued, up to \$15,000 per day of violation.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on November 21, 2003.

Gerard J. Thibeault
Executive Officer



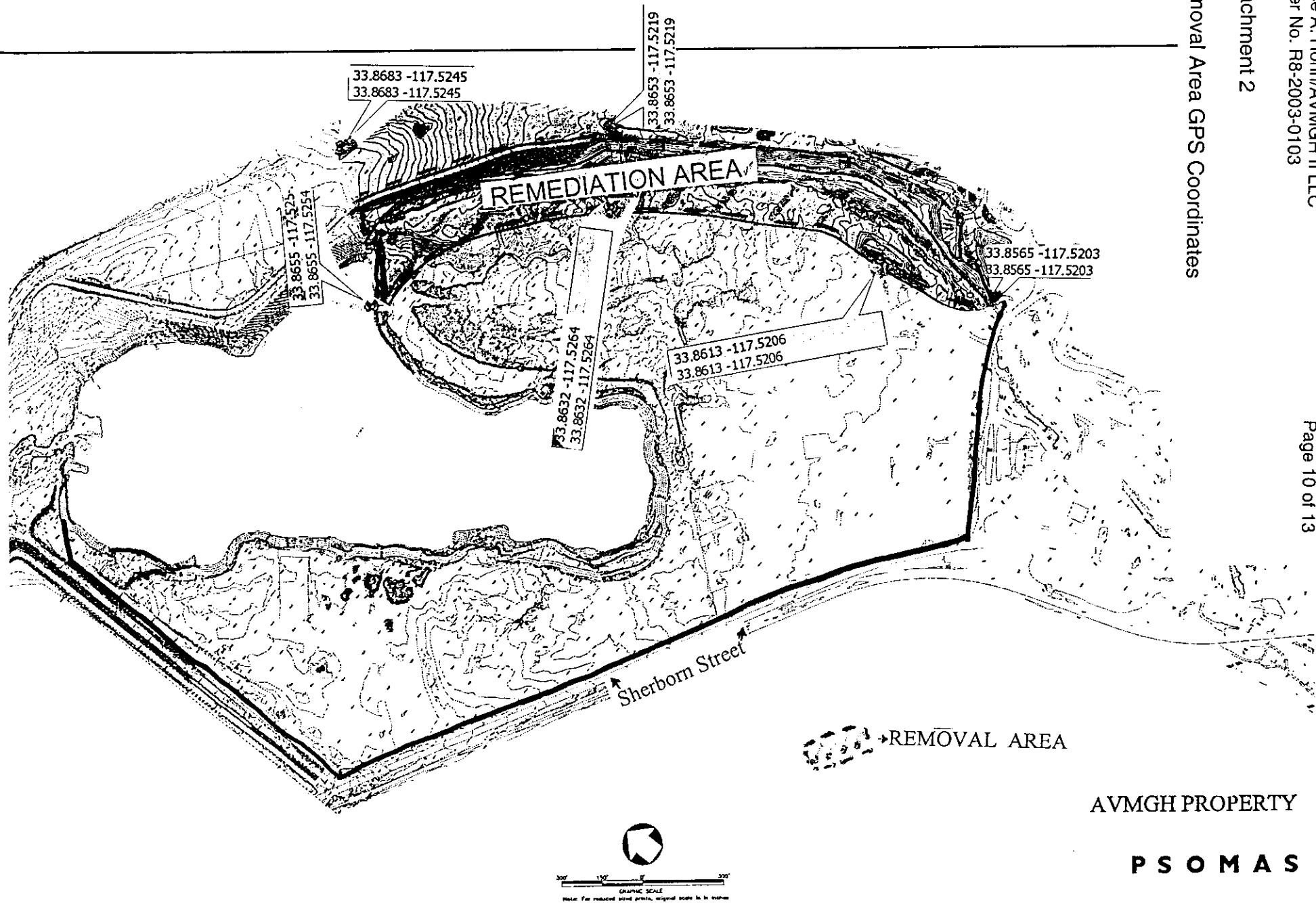
ATTACHMENT 2: MAP OF APPROXIMATE REMEDIATION AREA

Bruce A. Hohn/AVMGH II LLC
Order No. R8-2003-0103

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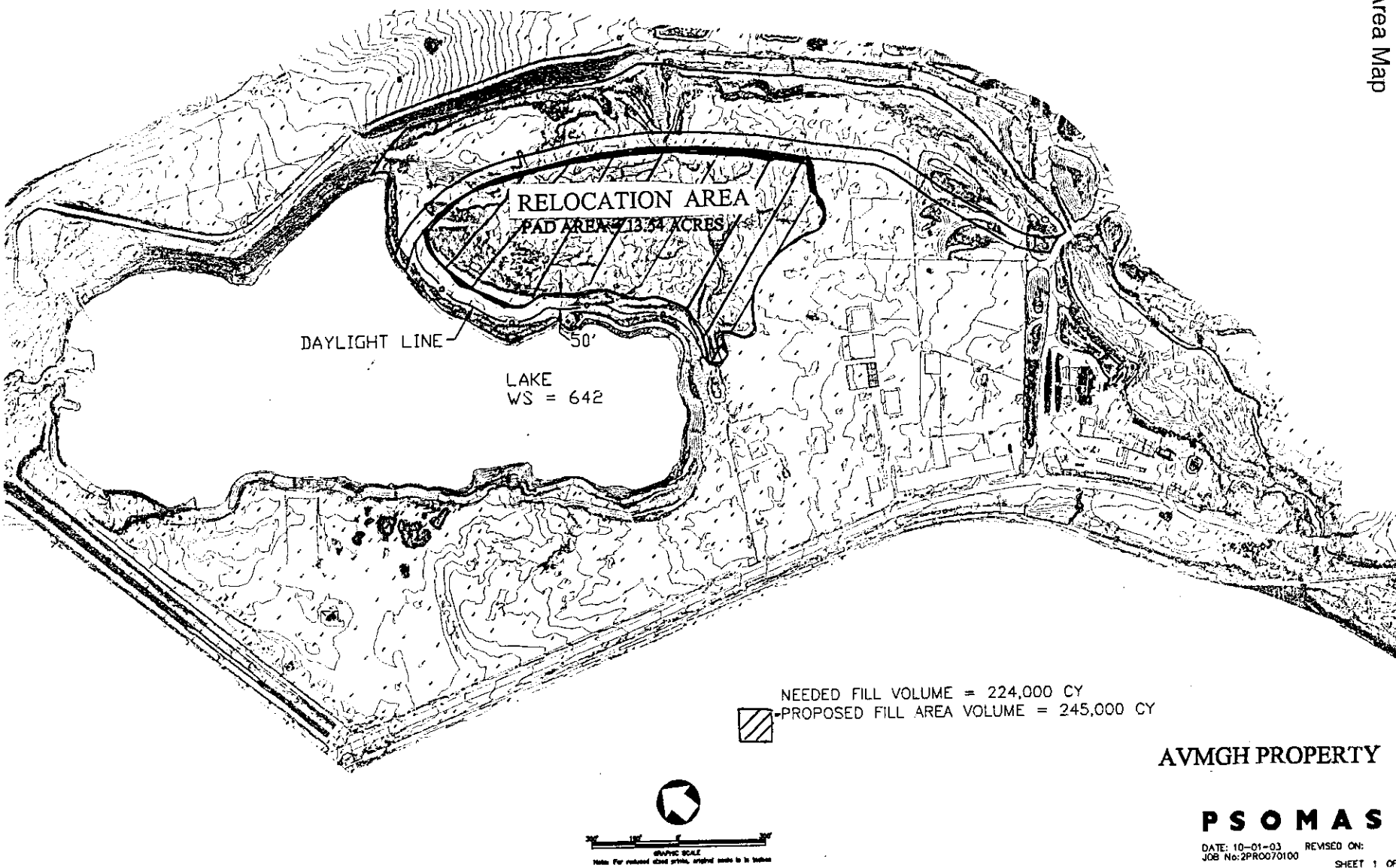
Attachment 2

Removal Area GPS Coordinates



Attachment 3

Relocation Area Map



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION**

ORDER NO. R8-2003-00103

**MONITORING AND REPORTING PROGRAM
FOR
BRUCE A. HOHN AND AVMGH II LIMITED PARTNERSHIP
CORONA TRUCK SALVAGE
INERT LANDFILL
RIVERSIDE COUNTY**

A. MONITORING

1. The discharger shall implement this Monitoring and Reporting Program (MRP) immediately upon adoption of the Order. The first monitoring report under this program is due by December 30, 2003, and monthly thereafter. If there were no activities at the site during the monitoring period, the monitoring report shall state so.
2. During the disposal of wastes to the relocation area shown on Attachment 3, the discharger shall keep a daily record of the quantity of wastes relocated and a description of the wastes placed, and shall record monthly the GPS coordinates of the area where the relocated waste has been deposited.
3. The discharger shall visually inspect the wastes removed from the waste removal areas and any suspicious waste materials shall be analyzed to determine if they are toxic or hazardous.

B. REPORTING

1. The monitoring reports are due monthly by the 30th day of each month, beginning December 30, 2003. The reports shall include the following:
 - a. A daily log of the quantity and description of waste material relocated to the waste relocation area, and monthly records of the GPS coordinates of the portion of the relocation area that has received waste.
 - b. A complete log of the quantity and description of waste material recycled or hauled offsite.
 - c. A description of any waste discovered that is not considered inert waste, its analytical results, and the mode of its disposal.
2. The discharger shall arrange the data in a tabular form so that the specified information is readily discernible. The data shall be summarized in such a manner as to clearly illustrate whether the facility is operating in compliance with this Order.
3. In the event that hazardous or other unacceptable wastes are detected, the Executive Officer of the Board shall be notified by telephone, email, or facsimile

within 24 hours and in writing within 7 days. The type, source, and final disposition of those wastes shall also be reported.

4. The discharger shall retain records of all monitoring information, and copies of all data submitted to regulatory agencies, for a period of at least three years. This period may be extended by request of the Executive Officer of the Board at any time, and shall be extended during the course of any unresolved litigation regarding all or any part of the entire site.

The discharger shall provide a certification with all reports submitted under this Order that all operations at the site were conducted in accordance with this Order, that wastes were placed in compliance with this Order, and that no wastes were disposed of outside the boundaries of the relocation area as specified in this Order.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on November 21, 2003.

Gerard J. Thibeault
Executive Officer

November 21, 2003